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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,514	03/15/2007	Kiichiro Kato	24-036-TN	1025
23400 7590 05/26/2009 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER VONCH, JEFFREY A	
			ART UNIT 4132	PAPER NUMBER
			MAIL DATE 05/26/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/590,514

## Applicant(s)

KATO ET AL.

## Examiner

Jeff A. Vonch

## Art Unit

4132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 20061026
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3/1, & 3/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xie et al. (U.S. Patent No. 6,503,620) (hereinafter "Xie") and further in view of Eevers et al. (U.S. Pub. No. 2001/055928 A1) (hereinafter "Eevers").
3. With respect to claims 1 and 2, Xie teaches a laminate comprised of a facestock bonded to a pressure sensitive adhesive layer wherein the adhesive layer material has its storage modulus and loss tangent measured from  $T_{max}$  -60° C to 200° C (col. 26, lines 51-54). All blends have a storage modulus (G') equal to or greater than  $3.7 \times 10^3$  Pa at their lowest point (Table X). Xie teaches that Blend 1 has a storage modulus of  $3.6 \times 10^4$  Pa and a loss tangent of 0.3 at 120 °C (Table X). Blend 4 has a storage modulus at 25° C of  $2.4 \times 10^8$  Pa and a loss tangent of 0.1 (Table X). Xie teaches that the laminate is a label to be adhered to an adherend, although Xie may not disclose the temperature exposure. With respect to Claim 1, ambient temperature exposures would be expected to include the claimed temperature range. Moreover, the claimed article is not defined structurally or compositionally by this use limitation in a manner that distinguishes over Xie's laminate. What Xie does not teach is the hole diameter and density claimed.

4. Eevers teaches a pressure sensitive adhesive sheet comprising a base film and a pressure sensitive adhesive layer with perforations passing through from one surface to the other surface. These holes have a diameter as low as 170 microns and a hole density of more than 1000 holes/100 cm<sup>2</sup> [0014, 0030].

5. It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce the holes of Eevers in the laminate of Xie. One of ordinary skill in the art would have been motivated to do so because Xie's pressure sensitive adhesive sheet is to be used for labels and because the holes in Eevers, used for increasing adherence and preventing delamination [0005], would be beneficial to PSA label performance which is primarily dominated by the ability to establish adequate surface contact and bonding strength (col. 1, lines 48-52). It is pointed out that the conferring of holes to the laminate of Xie would not be expected to alter the reported storage modulus or loss tangent values of the laminate of Xie. Applicant demonstrates in the Specification in example 3 and comparative example 2 that the presence of the holes does not affect the storage modulus or loss tangent.

6. With respect to claims 3/1 and 3/2, Eevers teaches that the applied holes of claim 1 and claim 2 can be formed through use of laser perforations [0013, 0030]. It would have been obvious to one of ordinary skill in the art at the time of the invention to form the holes in Xie by laser perforation since Eevers teaches that this is an effective manner of making the desired holes.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff A. Vonch whose telephone number is (571) 270-1134. The examiner can normally be reached on Monday to Thursday 7:30-5:00 EST.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael LaVilla can be reached on (571) 272-1539. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A. V./  
Jeff A. Vonch  
Patent Examiner  
Art Unit 4132  
May 19<sup>th</sup> 2009

/Michael La Villa/  
**Michael La Villa**  
**Supervisory Patent Examiner, Art Unit 4132**  
**21 May 2009**